

UNCLASSIFIED

August 12, 2019

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives

Dear Chairman Burr and Chairman Schiff:

I am reporting an "urgent concern" in accordance with the procedures outlined in 50 U.S.C. §3033(k)(5)(A). This letter is UNCLASSIFIED when separated from the attachment.

In the course of my official duties, I have received information from multiple U.S. Government officials that the President of the United States is using the power of his office to solicit interference from a foreign country in the 2020 U.S. election. This interference includes, among other things, pressuring a foreign country to investigate one of the President's main domestic political rivals. The President's personal lawyer, Mr. Rudolph Giuliani, is a central figure in this effort. Attorney General Barr appears to be involved as well.

- Over the past four months, more than half a dozen U.S. officials have informed me of various facts related to this effort. The information provided herein was relayed to me in the course of official interagency business. It is routine for U.S. officials with responsibility for a particular regional or functional portfolio to share such information with one another in order to inform policymaking and analysis.
- I was not a direct witness to most of the events described. However, I found my colleagues' accounts of these events to be credible because, in almost all cases, multiple officials recounted fact patterns that were consistent with one another. In addition, a variety of information consistent with these private accounts has been reported publicly.

I am deeply concerned that the actions described below constitute "a serious or flagrant problem, abuse, or violation of law or Executive Order" that "does not include differences of opinions concerning public policy matters," consistent with the definition of an "urgent concern" in 50 U.S.C. §3033(k)(5)(G). I am therefore fulfilling my duty to report this information, through proper legal channels, to the relevant authorities.

- I am also concerned that these actions pose risks to U.S. national security and undermine the U.S. Government's efforts to deter and counter foreign interference in U.S. elections.

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To the best of my knowledge, the entirety of this statement is unclassified when separated from the classified enclosure. I have endeavored to apply the classification standards outlined in Executive Order (EO) 13526 and to separate out information that I know or have reason to believe is classified for national security purposes.¹

- If a classification marking is applied retroactively, I believe it is incumbent upon the classifying authority to explain why such a marking was applied, and to which specific information it pertains.

I. The 25 July Presidential phone call

Early in the morning of 25 July, the President spoke by telephone with Ukrainian President Volodymyr Zelenskyy. I do not know which side initiated the call. This was the first publicly acknowledged call between the two leaders since a brief congratulatory call after Mr. Zelenskyy won the presidency on 21 April.

Multiple White House officials with direct knowledge of the call informed me that, after an initial exchange of pleasantries, the President used the remainder of the call to advance his personal interests. Namely, he sought to pressure the Ukrainian leader to take actions to help the President's 2020 reelection bid. According to the White House officials who had direct knowledge of the call, the President pressured Mr. Zelenskyy to, inter alia:

- initiate or continue an investigation² into the activities of former Vice President Joseph Biden and his son, Hunter Biden;
- assist in purportedly uncovering that allegations of Russian interference in the 2016 U.S. presidential election originated in Ukraine, with a specific request that the Ukrainian leader locate and turn over servers used by the Democratic National Committee (DNC) and examined by the U.S. cyber security firm Crowdstrike,³ which initially reported that Russian hackers had penetrated the DNC's networks in 2016; and
- meet or speak with two people the President named explicitly as his personal envoys on these matters, Mr. Giuliani and Attorney General Barr, to whom the President referred multiple times in tandem.

¹ Apart from the information in the Enclosure, it is my belief that none of the information contained herein meets the definition of "classified information" outlined in EO 13526, Part 1, Section 1.1. There is ample open-source information about the efforts I describe below, including statements by the President and Mr. Giuliani. In addition, based on my personal observations, there is discretion with respect to the classification of private comments by or instructions from the President, including his communications with foreign leaders; information that is not related to U.S. foreign policy or national security—such as the information contained in this document, when separated from the Enclosure—is generally treated as unclassified. I also believe that applying a classification marking to this information would violate EO 13526, Part 1, Section 1.7, which states: "In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to: (1) conceal violations of law, inefficiency, or administrative error; [or] (2) prevent embarrassment to a person, organization, or agency."

² It is unclear whether such a Ukrainian investigation exists. See Footnote #7 for additional information.

³ I do not know why the President associates these servers with Ukraine. (See, for example, his comments to *Fox News* on 20 July: "And Ukraine. Take a look at Ukraine. How come the FBI didn't take this server? Podesta told them to get out. He said, get out. So, how come the FBI didn't take the server from the DNC?")

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The President also praised Ukraine's Prosecutor General, Mr. Yuriy Lutsenko, and suggested that Mr. Zelenskyy might want to keep him in his position. (Note: Starting in March 2019, Mr. Lutsenko made a series of public allegations—many of which he later walked back—about the Biden family's activities in Ukraine, Ukrainian officials' purported involvement in the 2016 U.S. election, and the activities of the U.S. Embassy in Kyiv. See Part IV for additional context.)

The White House officials who told me this information were deeply disturbed by what had transpired in the phone call. They told me that there was already a "discussion ongoing" with White House lawyers about how to treat the call because of the likelihood, in the officials' retelling, that they had witnessed the President abuse his office for personal gain.

The Ukrainian side was the first to publicly acknowledge the phone call. On the evening of 25 July, a readout was posted on the website of the Ukrainian President that contained the following line (translation from original Russian-language readout):

- "Donald Trump expressed his conviction that the new Ukrainian government will be able to quickly improve Ukraine's image and complete the investigation of corruption cases that have held back cooperation between Ukraine and the United States."

Aside from the above-mentioned "cases" purportedly dealing with the Biden family and the 2016 U.S. election, I was told by White House officials that no other "cases" were discussed.

Based on my understanding, there were approximately a dozen White House officials who listened to the call—a mixture of policy officials and duty officers in the White House Situation Room, as is customary. The officials I spoke with told me that participation in the call had not been restricted in advance because everyone expected it would be a "routine" call with a foreign leader. I do not know whether anyone was physically present with the President during the call.

- In addition to White House personnel, I was told that a State Department official, Mr. T. Ulrich Brechbuhl, also listened in on the call.
- I was not the only non-White House official to receive a readout of the call. Based on my understanding, multiple State Department and Intelligence Community officials were also briefed on the contents of the call as outlined above.

II. Efforts to restrict access to records related to the call

In the days following the phone call, I learned from multiple U.S. officials that senior White House officials had intervened to "lock down" all records of the phone call, especially the official word-for-word transcript of the call that was produced—as is customary—by the White House Situation Room. This set of actions underscored to me that White House officials understood the gravity of what had transpired in the call.

- White House officials told me that they were "directed" by White House lawyers to remove the electronic transcript from the computer system in which such transcripts are typically stored for coordination, finalization, and distribution to Cabinet-level officials.

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- Instead, the transcript was loaded into a separate electronic system that is otherwise used to store and handle classified information of an especially sensitive nature. One White House official described this act as an abuse of this electronic system because the call did not contain anything remotely sensitive from a national security perspective.

I do not know whether similar measures were taken to restrict access to other records of the call, such as contemporaneous handwritten notes taken by those who listened in.

III. Ongoing concerns

On 26 July, a day after the call, U.S. Special Representative for Ukraine Negotiations Kurt Volker visited Kyiv and met with President Zelenskyy and a variety of Ukrainian political figures. Ambassador Volker was accompanied in his meetings by U.S. Ambassador to the European Union Gordon Sondland. Based on multiple readouts of these meetings recounted to me by various U.S. officials, Ambassadors Volker and Sondland reportedly provided advice to the Ukrainian leadership about how to “navigate” the demands that the President had made of Mr. Zelenskyy.

I also learned from multiple U.S. officials that, on or about 2 August, Mr. Giuliani reportedly traveled to Madrid to meet with one of President Zelenskyy’s advisers, Andriy Yermak. The U.S. officials characterized this meeting, which was not reported publicly at the time, as a “direct follow-up” to the President’s call with Mr. Zelenskyy about the “cases” they had discussed.

- Separately, multiple U.S. officials told me that Mr. Giuliani had reportedly privately reached out to a variety of other Zelenskyy advisers, including Chief of Staff Andriy Bohdan and Acting Chairman of the Security Service of Ukraine Ivan Bakanov.⁴
- I do not know whether those officials met or spoke with Mr. Giuliani, but I was told separately by multiple U.S. officials that Mr. Yermak and Mr. Bakanov intended to travel to Washington in mid-August.

On 9 August, the President told reporters: “I think [President Zelenskyy] is going to make a deal with President Putin, and he will be invited to the White House. And we look forward to seeing him. He’s already been invited to the White House, and he wants to come. And I think he will. He’s a very reasonable guy. He wants to see peace in Ukraine, and I think he will be coming very soon, actually.”

IV. Circumstances leading up to the 25 July Presidential phone call

Beginning in late March 2019, a series of articles appeared in an online publication called *The Hill*. In these articles, several Ukrainian officials—most notably, Prosecutor General Yuriy Lutsenko—made a series of allegations against other Ukrainian officials and current and former U.S. officials. Mr. Lutsenko and his colleagues alleged, inter alia:

⁴ In a report published by the Organized Crime and Corruption Reporting Project (OCCRP) on 22 July, two associates of Mr. Giuliani reportedly traveled to Kyiv in May 2019 and met with Mr. Bakanov and another close Zelenskyy adviser, Mr. Serhiy Shefir.

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- that they possessed evidence that Ukrainian officials—namely, Head of the National Anticorruption Bureau of Ukraine Artem Sytnyk and Member of Parliament Serhiy Leshchenko—had “interfered” in the 2016 U.S. presidential election, allegedly in collaboration with the DNC and the U.S. Embassy in Kyiv;⁵
- that the U.S. Embassy in Kyiv—specifically, U.S. Ambassador Marie Yovanovitch, who had criticized Mr. Lutsenko’s organization for its poor record on fighting corruption—had allegedly obstructed Ukrainian law enforcement agencies’ pursuit of corruption cases, including by providing a “do not prosecute” list, and had blocked Ukrainian prosecutors from traveling to the United States expressly to prevent them from delivering their “evidence” about the 2016 U.S. election;⁶ and
- that former Vice President Biden had pressured former Ukrainian President Petro Poroshenko in 2016 to fire then Ukrainian Prosecutor General Viktor Shokin in order to quash a purported criminal probe into Burisma Holdings, a Ukrainian energy company on whose board the former Vice President’s son, Hunter, sat.⁷

In several public comments,⁸ Mr. Lutsenko also stated that he wished to communicate directly with Attorney General Barr on these matters.⁹

The allegations by Mr. Lutsenko came on the eve of the first round of Ukraine’s presidential election on 31 March. By that time, Mr. Lutsenko’s political patron, President Poroshenko, was trailing Mr. Zelenskyy in the polls and appeared likely to be defeated. Mr. Zelenskyy had made known his desire to replace Mr. Lutsenko as Prosecutor General. On 21 April, Mr. Poroshenko lost the runoff to Mr. Zelenskyy by a landslide. See Enclosure for additional information.

⁵ Mr. Sytnyk and Mr. Leshchenko are two of Mr. Lutsenko’s main domestic rivals. Mr. Lutsenko has no legal training and has been widely criticized in Ukraine for politicizing criminal probes and using his tenure as Prosecutor General to protect corrupt Ukrainian officials. He has publicly feuded with Mr. Sytnyk, who heads Ukraine’s only competent anticorruption body, and with Mr. Leshchenko, a former investigative journalist who has repeatedly criticized Mr. Lutsenko’s record. In December 2018, a Ukrainian court upheld a complaint by a Member of Parliament, Mr. Boryslav Rozenblat, who alleged that Mr. Sytnyk and Mr. Leshchenko had “interfered” in the 2016 U.S. election by publicizing a document detailing corrupt payments made by former Ukrainian President Viktor Yanukovich before his ouster in 2014. Mr. Rozenblat had originally filed the motion in late 2017 after attempting to flee Ukraine amid an investigation into his taking of a large bribe. On 16 July 2019, Mr. Leshchenko publicly stated that a Ukrainian court had overturned the lower court’s decision.

⁶ Mr. Lutsenko later told Ukrainian news outlet *The Babel* on 17 April that Ambassador Yovanovitch had never provided such a list, and that he was, in fact, the one who requested such a list.

⁷ Mr. Lutsenko later told *Bloomberg* on 16 May that former Vice President Biden and his son were not subject to any current Ukrainian investigations, and that he had no evidence against them. Other senior Ukrainian officials also contested his original allegations; one former senior Ukrainian prosecutor told *Bloomberg* on 7 May that Mr. Shokin in fact was not investigating Burisma at the time of his removal in 2016.

⁸ See, for example, Mr. Lutsenko’s comments to *The Hill* on 1 and 7 April and his interview with *The Babel* on 17 April, in which he stated that he had spoken with Mr. Giuliani about arranging contact with Attorney General Barr.

⁹ In May, Attorney General Barr announced that he was initiating a probe into the “origins” of the Russia investigation. According to the above-referenced OCCRP report (22 July), two associates of Mr. Giuliani claimed to be working with Ukrainian officials to uncover information that would become part of this inquiry. In an interview with *Fox News* on 8 August, Mr. Giuliani claimed that Mr. John Durham, whom Attorney General Barr designated to lead this probe, was “spending a lot of time in Europe” because he was “investigating Ukraine.” I do not know the extent to which, if at all, Mr. Giuliani is directly coordinating his efforts on Ukraine with Attorney General Barr or Mr. Durham.

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- It was also publicly reported that Mr. Giuliani had met on at least two occasions with Mr. Lutsenko: once in New York in late January and again in Warsaw in mid-February. In addition, it was publicly reported that Mr. Giuliani had spoken in late 2018 to former Prosecutor General Shokin, in a Skype call arranged by two associates of Mr. Giuliani.¹⁰
- On 25 April in an interview with *Fox News*, the President called Mr. Lutsenko's claims "big" and "incredible" and stated that the Attorney General "would want to see this."

On or about 29 April, I learned from U.S. officials with direct knowledge of the situation that Ambassador Yovanovitch had been suddenly recalled to Washington by senior State Department officials for "consultations" and would most likely be removed from her position.

- Around the same time, I also learned from a U.S. official that "associates" of Mr. Giuliani were trying to make contact with the incoming Zelenskyy team.¹¹
- On 6 May, the State Department announced that Ambassador Yovanovitch would be ending her assignment in Kyiv "as planned."
- However, several U.S. officials told me that, in fact, her tour was curtailed because of pressure stemming from Mr. Lutsenko's allegations. Mr. Giuliani subsequently stated in an interview with a Ukrainian journalist published on 14 May that Ambassador Yovanovitch was "removed...because she was part of the efforts against the President."

On 9 May, *The New York Times* reported that Mr. Giuliani planned to travel to Ukraine to press the Ukrainian government to pursue investigations that would help the President in his 2020 reelection bid.

- In his multitude of public statements leading up to and in the wake of the publication of this article, Mr. Giuliani confirmed that he was focused on encouraging Ukrainian authorities to pursue investigations into alleged Ukrainian interference in the 2016 U.S. election and alleged wrongdoing by the Biden family.¹²
- On the afternoon of 10 May, the President stated in an interview with *Politico* that he planned to speak with Mr. Giuliani about the trip.
- A few hours later, Mr. Giuliani publicly canceled his trip, claiming that Mr. Zelenskyy was "surrounded by enemies of the [U.S.] President...and of the United States."

On 11 May, Mr. Lutsenko met for two hours with President-elect Zelenskyy, according to a public account given several days later by Mr. Lutsenko. Mr. Lutsenko publicly stated that he had told Mr. Zelenskyy that he wished to remain as Prosecutor General.

¹⁰ See, for example, the above-referenced articles in *Bloomberg* (16 May) and OCCRP (22 July).

¹¹ I do not know whether these associates of Mr. Giuliani were the same individuals named in the 22 July report by OCCRP, referenced above.

¹² See, for example, Mr. Giuliani's appearance on *Fox News* on 6 April and his tweets on 23 April and 10 May. In his interview with *The New York Times*, Mr. Giuliani stated that the President "basically knows what I'm doing, sure, as his lawyer." Mr. Giuliani also stated: "We're not meddling in an election, we're meddling in an investigation, which we have a right to do... There's nothing illegal about it... Somebody could say it's improper. And this isn't foreign policy - I'm asking them to do an investigation that they're doing already and that other people are telling them to stop. And I'm going to give them reasons why they shouldn't stop it because that information will be very, very helpful to my client, and may turn out to be helpful to my government."

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Starting in mid-May, I heard from multiple U.S. officials that they were deeply concerned by what they viewed as Mr. Giuliani's circumvention of national security decisionmaking processes to engage with Ukrainian officials and relay messages back and forth between Kyiv and the President. These officials also told me:

- that State Department officials, including Ambassadors Volker and Sondland, had spoken with Mr. Giuliani in an attempt to "contain the damage" to U.S. national security; and
- that Ambassadors Volker and Sondland during this time period met with members of the new Ukrainian administration and, in addition to discussing policy matters, sought to help Ukrainian leaders understand and respond to the differing messages they were receiving from official U.S. channels on the one hand, and from Mr. Giuliani on the other.

During this same timeframe, multiple U.S. officials told me that the Ukrainian leadership was led to believe that a meeting or phone call between the President and President Zelenskyy would depend on whether Zelenskyy showed willingness to "play ball" on the issues that had been publicly aired by Mr. Lutsenko and Mr. Giuliani. (Note: This was the general understanding of the state of affairs as conveyed to me by U.S. officials from late May into early July. I do not know who delivered this message to the Ukrainian leadership, or when.) See Enclosure for additional information.

Shortly after President Zelenskyy's inauguration, it was publicly reported that Mr. Giuliani met with two other Ukrainian officials: Ukraine's Special Anticorruption Prosecutor, Mr. Nazar Kholodnytskyy, and a former Ukrainian diplomat named Andriy Telizhenko. Both Mr. Kholodnytskyy and Mr. Telizhenko are allies of Mr. Lutsenko and made similar allegations in the above-mentioned series of articles in *The Hill*.

On 13 June, the President told *ABC's* George Stephanopoulos that he would accept damaging information on his political rivals from a foreign government.

On 21 June, Mr. Giuliani tweeted: "New Pres of Ukraine still silent on investigation of Ukrainian interference in 2016 and alleged Biden bribery of Poroshenko. Time for leadership and investigate both if you want to purge how Ukraine was abused by Hillary and Clinton people."

In mid-July, I learned of a sudden change of policy with respect to U.S. assistance for Ukraine. See Enclosure for additional information.

ENCLOSURE: Classified appendix

August 12, 2019

(U) CLASSIFIED APPENDIX

(U) Supplementary classified information is provided as follows:

(U) **Additional information related to Section II**

(TS) [REDACTED] According to multiple White House officials I spoke with, the transcript of the President's call with President Zelenskyy was placed into a computer system managed directly by the National Security Council (NSC) Directorate for Intelligence Programs. This is a standalone computer system reserved for codeword-level intelligence information, such as covert action. According to information I received from White House officials, some officials voiced concerns internally that this would be an abuse of the system and was not consistent with the responsibilities of the Directorate for Intelligence Programs. According to White House officials I spoke with, this was "not the first time" under this Administration that a Presidential transcript was placed into this codeword-level system solely for the purpose of protecting politically sensitive—rather than national security sensitive—information.

(U) **Additional information related to Section IV**

Information Relating To Classified Intelligence Community Reporting & Analysis



(S) [REDACTED] I would like to expand upon two issues mentioned in Section IV that might have a connection with the overall effort to pressure the Ukrainian leadership. As I do not know definitively whether the below-mentioned decisions are connected to the broader efforts I describe, I have chosen to include them in the classified annex. If they indeed represent genuine policy deliberations and decisions formulated to advance U.S. foreign policy and national security, one might be able to make a reasonable case that the facts are classified.

- (S) [REDACTED] I learned from U.S. officials that, on or around 14 May, the President instructed Vice President Pence to cancel his planned travel to Ukraine to attend President

Information Relating To Classified Intelligence Community Reporting & Analysis



Zelenskyy's inauguration on 20 May; Secretary of Energy Rick Perry led the delegation instead. According to these officials, it was also "made clear" to them that the President did not want to meet with Mr. Zelenskyy until he saw how Zelenskyy "chose to act" in office. I do not know how this guidance was communicated, or by whom. I also do not know whether this action was connected with the broader understanding, described in the unclassified letter, that a meeting or phone call between the President and President Zelenskyy would depend on whether Zelenskyy showed willingness to "play ball" on the issues that had been publicly aired by Mr. Lutsenko and Mr. Giuliani.

- (S/ [REDACTED]) On 18 July, an Office of Management and Budget (OMB) official informed Departments and Agencies that the President "earlier that month" had issued instructions to suspend all U.S. security assistance to Ukraine. Neither OMB nor the NSC staff knew why this instruction had been issued. During interagency meetings on 23 July and 26 July, OMB officials again stated explicitly that the instruction to suspend this assistance had come directly from the President, but they still were unaware of a policy rationale. As of early August, I heard from U.S. officials that some Ukrainian officials were aware that U.S. aid might be in jeopardy, but I do not know how or when they learned of it.

~~TOP SECRET~~/ [REDACTED]



OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
WASHINGTON, D.C. 20511

This Letter is ~~TOP SECRET~~/ [REDACTED] when detached from the Enclosures

August 26, 2019

VIA HAND DELIVERY

The Honorable Joseph Maguire
Director of National Intelligence (Acting)
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Acting Director Maguire:

(U) On Monday, August 12, 2019, the Office of the Inspector General of the Intelligence Community (ICIG) received information from an individual (hereinafter, the "Complainant") concerning an alleged "urgent concern," pursuant to 50 U.S.C. § 3033(k)(5)(A). The law requires that, "[n]ot later than the end of the 14-calendar-day period beginning on the date of receipt from an employee of a complaint or information under subparagraph A, the Inspector General shall determine whether the complaint or information appears credible."¹ For the reasons discussed below, among others, I have determined that the Complainant has reported an "urgent concern" that "appears credible."

(U) As you know, the ICIG is authorized to, among other things, "receive and investigate . . . complaints or information from any person concerning the existence of an activity within the authorities and responsibilities of the Director of National Intelligence constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety."² In connection with that authority, "[a]n employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information" to the ICIG.³

Classified By: [REDACTED]
Derived From: [REDACTED]
Declassify On: [REDACTED]

¹ (U) *Id.* at § 3033(k)(5)(B).

² (U) *Id.* at § 3033(g)(3).

³ (U) *Id.* at § 3033(k)(5)(A).

~~TOP SECRET~~/ [REDACTED]

(U) The term "urgent concern" is defined, in relevant part, as:

(U) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information, but does not include differences of opinions concerning public policy matters.⁴

(U//~~FOUO~~) The Complainant's identity is known to me. As allowed by law, however, the Complainant has requested that the ICIG not disclose the Complainant's identity at this time.⁵ For your information, the Complainant has retained an attorney, identified the attorney to the ICIG, and requested that the attorney be the Complainant's point of contact in subsequent communications with the congressional intelligence committees on this matter.

(U//~~FOUO~~) As part of the Complainant's report to the ICIG of information with respect to the urgent concern, the Complainant included a letter addressed to The Honorable Richard Burr, Chairman, U.S. Senate Select Committee on Intelligence, and The Honorable Adam Schiff, Chairman, U.S. House of Representatives Permanent Select Committee on Intelligence (hereinafter, the "Complainant's Letter"). The Complainant's Letter referenced a separate, Classified Appendix containing information pertaining to the urgent concern (hereinafter, the "Classified Appendix"), which the Complainant also provided to the ICIG and which the Complainant intends to provide to Chairmen Burr and Schiff. The ICIG attaches hereto the Complainant's Letter, addressed to Chairmen Burr and Schiff, and the Classified Appendix. The ICIG has informed the Complainant that the transmittal of information by the Director of National Intelligence related to the Complainant's report to the congressional intelligence committees, as required by 50 U.S.C. § 3033(k)(5)(C), may not be limited to Chairmen Burr and Schiff.

(U) The Complainant's Letter and Classified Appendix delineate the Complainant's information pertaining to the urgent concern. According to the Complainant's Letter, "the actions described [in the Complainant's Letter and Classified Appendix] constitute 'a serious or flagrant problem, abuse, or violation of law or Executive Order,'" consistent with the definition of an "urgent concern" in 50 U.S.C. § 3033(k)(5)(G).

(U//~~FOUO~~) Upon receiving the information reported by the Complainant, the ICIG conducted a preliminary review to determine whether the report constituted "an urgent concern" under 50 U.S.C. § 3033(k)(5). As part of the preliminary review, the ICIG confirmed that the Complainant is "[a]n employee of an element of the intelligence community, an employee

⁴ (U) *Id.* at § 3033(k)(5)(G)(i).

⁵ (U) *Id.* at § 3033(g)(3)(A).

assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community.”⁶ The ICIG also confirmed that the Complainant intends to report to Congress the Complainant’s information relating to the urgent concern.⁷

(TS, [REDACTED]) As stated above, to constitute an “urgent concern” under 50 U.S.C. § 3033(k)(5)(G)(i), the information reported by the Complainant must constitute “[a] serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence involving classified information.”⁸ Here, the Complainant’s Letter alleged, among other things, that the President of the United States, in a telephone call with Ukrainian President Volodymyr Zelenskyy on July 25, 2019, “sought to pressure the Ukrainian leader to take actions to help the President’s 2020 reelection bid.” U.S. laws and regulations prohibit a foreign national, directly or indirectly, from making a contribution or donation of money or other thing of value, or to make an express or implied promise to make a contribution or donation, in connection with a Federal, State, or local election.⁹ Similarly, U.S. laws and regulations prohibit a person from soliciting, accepting, or receiving such a contribution or donation from a foreign national, directly or indirectly, in connection with a Federal, State, or local election.¹⁰ Further, in the ICIG’s judgment, alleged conduct by a senior U.S. public official to seek foreign assistance to interfere in or influence a Federal election would constitute a “serious or flagrant problem [or] abuse” under 50 U.S.C. § 3033(k)(5)(G)(i), which would also potentially expose such a U.S. public official (or others acting in concert with the U.S. public official) to serious national security and counterintelligence risks with respect to foreign intelligence services aware of such alleged conduct.

(U) In addition, the Director of National Intelligence has responsibility and authority pursuant to federal law and Executive Orders to administer and operate programs and activities related to potential foreign interference in a United States election.¹¹ Among other

⁶ (U) *Id.* at § 3033(k)(5)(A).

⁷ (U) *Id.*

⁸ (U) The Complainant’s Classified Appendix appears to contain classified information involving an alleged “serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity within the responsibility and authority of the Director of National Intelligence,” as required by 50 U.S.C. § 3033(k)(5)(G)(i).

⁹ (U) *See, e.g.*, 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

¹⁰ (U) *See, e.g.*, 52 U.S.C. § 30121(a)(2); 11 C.F.R. § 110.20(g).

¹¹ (U) *See, e.g.*, National Security Act of 1947, as amended; Exec. Order No. 12333, as amended, *United States Intelligence Activities*; Exec. Order No. 13848, *Imposing Certain Sanctions in the Event of Foreign Influence in a United States Election* (Sept. 12, 2018).

responsibilities and authorities, subject to the authority, direction, and control of the President, the Director of National Intelligence "shall serve as the head of the Intelligence Community, act as the principal adviser to the President, to the [National Security Council], and to the Homeland Security Council for intelligence matters related to national security, and shall oversee and direct the implementation of the National Intelligence Program and execution of the National Intelligence Program budget."¹² Further, the United States Intelligence Community, "under the leadership of the Director [of National Intelligence]," shall "collect information concerning, and conduct activities to protect against, . . . intelligence activities directed against the United States."¹³

(U) More recently, in issuing Executive Order 13848, *Imposing Certain Sanctions in the Event of Foreign Influence in a United States Election* (Sept. 12, 2018), President Trump stated the following regarding foreign influence in United States elections:

I, DONALD J. TRUMP, President of the United States of America, find that the ability of persons located, in whole or in part, outside the United States to interfere in or undermine public confidence in United States elections, including through the unauthorized accessing of election and campaign infrastructure or the covert distribution of propaganda and disinformation, constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States.¹⁴

¹² (TS/[REDACTED]) Exec. Order No. 12333 at § 1.3. In the Complainant's Classified Appendix, the Complainant reported that officials from the Office of Management and Budget, in the days before and on the day after the President's call on July 25, 2019, allegedly informed the "interagency" that the President had issued instructions to suspend all security assistance to Ukraine. The Complainant further alleges in the Classified Appendix that there might be a connection between the allegations concerning the substance of the President's telephone call with the Ukrainian President on July 25, 2019, and the alleged action to suspend (or continue the suspension of) all security assistance to Ukraine. If the allegedly improper motives were substantiated as part of a future investigation, the alleged suspension (or continued suspension) of all security assistance to Ukraine might implicate the Director of National Intelligence's responsibility and authority with regard to implementing the National Intelligence Program and/or executing the National Intelligence Program budget.

¹³ (U) Exec. Order No. 12333 at § 1.4.

¹⁴ (U) Among other directives, the Executive Order requires the Director of National Intelligence, in consultation with the heads of any other appropriate executive departments and agencies, not later than 45 days after the conclusion of a United States election, to "conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election," and the "assessment shall identify, to the maximum extent ascertainable, the nature of any foreign interference and any methods employed to execute it, the persons involved, and the foreign government or governments that authorized, directed, sponsored, or supported it." Exec. Order No. 13848 at § 1.(a).

(U) Most recently, on July 19, 2019, as part of the Director of National Intelligence's responsibility and authority to administer and operate programs and activities related to potential foreign interference in a United States election, the Director of National Intelligence announced the establishment of the Intelligence Community Election Threats Executive. In the words of then-Director of National Intelligence Daniel R. Coats, who announced the establishment of the new position within the Office of the Director of National Intelligence (ODNI), "Election security is an enduring challenge and a top priority for the IC."¹⁵ A few days later, in an internal announcement for the ODNI, then-Director Coats stated, "I can think of no higher priority mission than working to counter adversary efforts to undermine the very core of our democratic process."¹⁶

(U) As a result, I have determined that the Complainant's information would constitute an urgent concern, as defined in 50 U.S.C. § 3033(k)(5)(G)(i), provided that I also determine that the information "appears credible," as required by 50 U.S.C. § 3033(k)(5)(B).

(TS/[REDACTED]) Based on the information reported by the Complainant to the ICIG and the ICIG's preliminary review, I have determined that there are reasonable grounds to believe that the complaint relating to the urgent concern "appears credible." The ICIG's preliminary review indicated that the Complainant has official and authorized access to the information and sources referenced in the Complainant's Letter and Classified Appendix, and that the Complainant has subject matter expertise related to much of the material information provided in the Complainant's Letter and Classified Appendix. The Complainant's Letter acknowledges that the Complainant was not a direct witness to the President's telephone call with the Ukrainian President on July 25, 2019. Other information obtained during the ICIG's preliminary review, however, supports the Complainant's allegation that, among other things, during the call the President "sought to pressure the Ukrainian leader to take actions to help the President's 2020 reelection bid." Further, although the ICIG's preliminary review identified some indicia of an arguable political bias on the part of the Complainant in favor of a rival political candidate, such evidence did not change my determination that the complaint relating to the urgent concern "appears credible," particularly given the other information the ICIG obtained during its preliminary review.

(TS/[REDACTED]) As part of its preliminary review, the ICIG did not request access to records of the President's July 25, 2019, call with the Ukrainian President. Based on the sensitivity of the alleged urgent concern, I directed ICIG personnel to conduct a preliminary review of the Complainant's information. Based on the information obtained from the ICIG's preliminary review, I decided that access to records of the telephone call was not necessary to make my

¹⁵ (U) ODNI News Release, *Director of National Intelligence Daniel R. Coats Establishes Intelligence Community Election Threats Executive* (July 19, 2019).

¹⁶ (U) Memorandum from Daniel R. Coats, Director of National Intelligence, entitled, *Designation of Intelligence Community Election Threats Executive and Assistant Deputy Director for Mission Integration* (July 23, 2019).

determination that the complaint relating to the urgent concern "appears credible." In addition, given the time consumed by the preliminary review, together with lengthy negotiations that I anticipated over access to and use of records of the telephone call, particularly for purposes of communicating a disclosure to the congressional intelligence committees, I concluded that it would be highly unlikely for the ICIG to obtain those records within the limited remaining time allowed by the statute. I also understood from the ICIG's preliminary review that the National Security Council had already implemented special handling procedures to preserve all records of the telephone call.

(TS/[REDACTED]) Nevertheless, the ICIG understands that the records of the call will be relevant to any further investigation of this matter. For your information, the ICIG has sent concurrently with this transmittal a notice of a document access request and a document hold notice to the White House Counsel to request access to and the preservation of any and all records related to the President's telephone call with the Ukrainian President on July 25, 2019, and alleged related efforts to solicit, obtain, or receive assistance from foreign nationals in Ukraine, directly or indirectly, in connection with a Federal election. The document access request and document hold notice were issued pursuant to the ICIG's authority to conduct independent investigations and reviews on programs and activities within the responsibility and authority of the Director of National Intelligence, which includes the authority for the ICIG to have "direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other materials that relate to the programs and activities with respect to which the Inspector General has responsibilities under this section."¹⁷

(U) Having determined that the complaint relating to the urgent concern appears credible, I am transmitting to you this notice of my determination, along with the Complainant's Letter and Classified Appendix. Upon receipt of this transmittal, the Director of National Intelligence "shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate."¹⁸

¹⁷ (U) 50 U.S.C. § 3033(g)(2)(C). The ICIG's statutory right of access to those records is consistent with the statutory right of access to such records provided to the Director of National Intelligence. See 50 U.S.C. § 3024(b) ("Unless otherwise directed by the President, the Director of National Intelligence shall have access to all national intelligence and intelligence related to the national security which is collected by any Federal department, agency, or other entity, except as otherwise provided by law or, as appropriate, under guidelines agreed upon by the Attorney General and the Director of National Intelligence.").

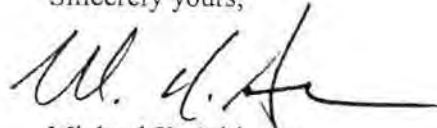
¹⁸ (U) See 50 U.S.C. § 3033(k)(5)(C). The ICIG notes that if the ICIG had determined the complaint was not an "urgent concern" or did not "appear[] credible," the statute would require the Director of National Intelligence to transmit the same information to the same congressional intelligence committees in the same time period, and provides the Complainant with the right "to submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly," *id.* at § 3033(k)(5)(D)(i), subject to direction from the Director of National Intelligence, through the ICIG, "on how to contact the congressional intelligence committees in accordance with appropriate security practices," *id.* at § 3033(k)(5)(D)(ii).

~~TOP SECRET~~ [REDACTED]

Because the ICIG has the statutory responsibility to "notify an employee who reports a complaint or information" to the ICIG concerning an urgent concern "of each action taken" with respect to the complaint or information "not later than 3 days after any such action is taken,"¹⁹ I respectfully request that you provide the ICIG with notice of your transmittal to the congressional intelligence committees not later than 3 days after the transmittal is made to them. In addition, as required by the statute, the ICIG is required to notify the Complainant not later than 3 days after today's date of my determination that the complaint relating to the urgent concern appears credible and that the ICIG transmitted on today's date notice of that determination to the Director of National Intelligence, along with the Complainant's Letter and Classified Appendix.

(U) If you have any questions or require additional information concerning this matter, please do not hesitate to contact me.

Sincerely yours,



Michael K. Atkinson
Inspector General
of the Intelligence Community

(U) Enclosures (Complainant's Letter and Classified Appendix) (Documents are
~~TS~~ [REDACTED])

This Letter is ~~TOP SECRET~~ [REDACTED] when detached from the Enclosures

¹⁹ (U) 50 U.S.C. § 3033(k)(5)(E).

~~TOP SECRET~~ [REDACTED]